

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

LaKrystal Coats, as Personal)
Representative of the Estate of Demetric)
Cowan,)

Plaintiff,)

v.)

Ray Pope, in his individual capacity;)
FNU Nichols, in his individual capacity;)
FNU Cardarelli, in his individual)
capacity; FNU White, in his individual)
capacity; Gerald Brooks, in his official)
capacity as Chief of Police of the City of)
Greenwood; Sidney Montgomery, in his)
individual capacity; Roy Murray, in his)
individual capacity; Pamela Osborne, in)
her individual capacity; Tony Davis, in)
his official capacity as Sheriff of)
Greenwood County,)

Defendants.)
_____)

C/A #: 1:17-cv-02930-TLW-SVH

DEFENDANT MONTGOMERY AND
MURRAY'S
RULE 59(e) MOTION

You will please take notice that the undersigned attorney for the defendants Montgomery and Murray will move before the United States District Court Judge for the District of South Carolina, for an Order pursuant to Rule 59(e), Fed.R.Civ. P., altering or amending its Order dated October 30, 2019 [EFC 57] in the following particulars and on the following grounds:

1. Given the total absence of any evidence in the record to support a causal connection between any acts or omissions of the defendants and the decedent's death, the court should grant the defendants' motion to reconsider and dismiss the plaintiff's claim

for wrongful death damages.

2. The court should reconsider its order of October 30, 2019 as to the plaintiff's claim for survival damages.
3. The defendants request that the court reconsider and alter its order as relates to the plaintiff's 14th amendment claim.
4. Officers Murray and Montgomery request that the court reconsider its order dated October 30, 2019 and grant qualified immunity.

Respectfully submitted,

s/ Russell W. Harter, Jr.
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Greenville, SC

November 27, 2019